

MAY 29 2012

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK  
BY:  DEPUTY CLERK

MICHAEL A. RIGOLE,	)	CASE NO. 7:12CV00230
	)	
Petitioner,	)	
	)	
v.	)	FINAL ORDER
	)	
VA DOC SUSSEX I STATE PRISON,	)	By: Glen E. Conrad
	)	Chief United States District Judge
Respondent.	)	

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED** without prejudice for failure to exhaust state court remedies; the accompanying petition for a writ of coram nobis and petitioner's other pending motions are **DISMISSED** without prejudice; and this action is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

The clerk is **DIRECTED** to return petitioner's original documents to him, in case he wishes to submit them with a petition for a writ of habeas corpus to the Supreme Court of Virginia.

ENTER: This 29<sup>th</sup> day of May, 2012.



Chief United States District Judge